

Panaji, 4th April, 1985 (Chaitra 14, 1907)

Series II No. 1

OFFICIAL



GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN
AND DIU

Department of Personnel and Administrative Reforms

Order

No. 5/60/84-PER

Read: 1) Order No. 19-8-68-ILD-E dated 17-6-1983.
2) 5/32/84-PER dated 15-8-84.

The Administrator of Goa, Daman and Diu is pleased to repatriate Smt. Geeta Sagar, a senior member of class I Gujarat Civil Service, presently on deputation to this Administration and functioning as Managing Director, Goa Handicrafts, Rural and Small Scale Industries Development Corporation Limited and holding additional charge of the post of Chief Executive Officer, Goa, Daman & Diu Industrial Development Corporation.

2. Consequent upon her repatriation, Smt. Geeta Sagar shall stand relieved from this Administration w.e.f. 30-3-85 (A.N.). Smt. Sagar shall hand over the charge of the post of Managing Director, Goa Handicrafts, Rural and Small Scale Industries Development Corporation to Shri S. Krishnan, IAS, Director of Industries & Mines and that of Chief Executive Officer, Goa, Daman & Diu Industrial Development Corporation to Dr. P. Deshpande, Managing Director, Economic Development Corporation until further orders.

By order and in the name of the Administrator of Goa, Daman & Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 30th March, 1985.

Order

No. 24/1/85-ER

The Administrator of Goa, Daman and Diu is pleased to transfer Shri N. Dilip Kumar, officer of the Goa, Daman and Diu Police Service presently holding the post of Deputy Superintendent of Police, "A & B Company" and post him as Deputy Superintendent of Police Headquarters, Panaji. He shall assist the Superintendent of Police (District) in matters of crime and supervision of M. Workshop.

2. Shri A. K. Singh, an officer of the Goa, Daman and Diu Police Service on probation posted as Deputy Superintendent of Police, "A & B Company" vice Shri N. Dilip Kumar, transferred.

3. The posting of Shri N. Dilip Kumar is made against the vacancy of training reserve of the Goa, Daman and Diu Police Service.

4. The above transfer/posting shall come into force with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 28th March, 1985.

Order

No. 5/58/84-PER

Read: Order No. 6/4/82-PER (Vol. II) dt. 29-6-1984.

The term of deputation of Shri R. K. Pillai, Grade II Officer of Goa, Daman and Diu Civil Service, presently on deputation as Assistant Legal Advisor, Kadamba Transport Corporation Ltd., is hereby extended for further period upto 3rd May, 1986.

By order and in the name of the Administrator of Goa, Daman & Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 29th March, 1985.

Order

No. 6/3/81-PER (Vol. III)

The Administrator of Goa, Daman and Diu is pleased to transfer Shri G. G. Kambli, Grade II Officer of Goa, Daman and Diu Civil Service and presently functioning as Under Secretary (Law), as Under Secretary (G. A.), Secretariat from 31-3-1985 (A.N.), vice Shri G. H. Mascarenhas, Under Secretary (GA) who is retiring on superannuation.

2. Shri Kambli shall continue to hold the charge of Under Secretary (Law) in addition to his own duties, until further orders.

By order and in the name of the Administrator of Goa, Daman & Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 30th March, 1985.

Planning Department

Addendum

No. 4-7-85/PLG

Ref: - Read order No. F-30/3/69-EVL dated 24-1-1969.

In partial modification to the Government order No. F-30/3/69-EVL dated 24-1-1969 the Government is pleased to include Special Secretary (Planning) as Member of the Evaluation Advisory Board.

This comes into force with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. W. Rane Sardesai, Under Secretary (Planning).

Panaji, 26th March, 1985.

Order

No. 15-2-81-WET

Read: — i) Govt. order No. 15/2/83/WET dated 31-12-83 appointing Kum. Mridula Dwivedi, Lecturer in Hindi on adhoc basis in the Govt. College, Daman.

ii) Letter dated 6-2-1983 from Kum. Mridula Dwivedi tendering her resignation from the said post.

The resignation tendered by Dr. (Kum.) Mridula Dwivedi, vide letter referred to at Sr. No. 2 above of the post of Lecturer in Hindi in Government College, Daman is hereby accepted with effect from the date of her relief.

By order and in the name of the Administrator of Goa, Daman and Diu.

D. N. Accarvade, Under Secretary (Education).

Panaji, 23rd March, 1985.

3. Mrs. Sudha Amonkar, Mapusa — Member.
4. Mrs. Vivian Fernandes, Assonora — Member.
5. Mrs. Rosy Cutinho, Mapusa — Member.
6. Probation Officer — Member Secretary.

SOUTH GOA

1. Mrs. Sulochana Katkar — Chairman.
2. Mrs. Kamilini Paigankar — Member.
3. Mrs. Surekha Naik — Member.
4. Mrs. Sunamites Mirguriao Gracias — Member.
5. Mrs. Inez Cota Carvalho — Member.
6. Probation Officer — Member Secretary.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (PW & UD).

Panaji, 23rd March, 1985.

Power Supply and Welfare Department

Order

No. 6-27-84-LAWD

Read: - Order No. 443/65 dated 1-11-1965.

Order No. 6-2-76-LSG(50) dated 21-11-1977.

In exercise of the powers conferred by Section 13 (3)(b) of the Suppression of Immoral Traffic in Women and Girls Act, 1956 as extended to the Union Territory of Goa, Daman and Diu and in supersession of the Government Order No. 6-2-76-LSG(50) dated 21-11-1977, the Government of Goa, Daman and Diu hereby constitutes two separate non-official advisory bodies each for North and South Goa areas of the Union Territory, consisting of the following members to advise the Special Police Officer on all matter of general importance regarding working of the said Act:—

NORTH GOA

1. Mrs. Sangeeta G. Parab, Pernem — Chairman.
2. Mrs. Nirmala Sawant, Marcella — Member.

Revenue Department

Notification

No. 22/162/83-RD

Wherein by Government Notification No. 22/162/83-RD dated 7-12-1983 published on page 439-442 of Series II, No. 37 of the Official Gazette, dated 17-12-1983 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. for construction of approach road to new Siridao Bridge on National Highway No. 17.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after consider-

Tourism, Information and Transport Department

Notification

No. T/2-17/79-HD(G)

In exercise of the powers conferred by sub-section (1) of section 44 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), the Lieutenant Governor of Goa, Daman and Diu hereby amends the Government notification No. T/2-17/79-HD(G) dated 8-4-1983 published in the Official Gazette, Series II, No. 2 dated 14-4-1983 (hereinafter referred to as the said notification) as follow:—

In the said notification, for item 2, the following item shall be substituted, namely:—

"2. Smt. Sahitabe Shah, Diu — Member."

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. R. Joshi, Under Secretary (STE).

Panaji, 28th March, 1985.

ing the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provision of Section 5 of the said Act the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Addl. Dy. Collector, North, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct in under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Addl. Dy. Collector, North, Panaji till the award is made under Section 11

SCHEDULE

(Description of the said land)

Taluka	Village	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Area in sq. mts.
1	2	3	4	5	6
Tiswadi	Siridao	53. (part)		O: Siridao Estate Pvt. Ltd. T: 1. Y. R. Palekar. 2. M. R. Palekar. 3. N. R. Palekar. 4. G. R. Palekar.	825.00

1	2	3	4	5	6
Tiswadi	Siridao	52	(part)	O: Siridao Estate Pvt. Ltd.	2775.00
--do--	--do--	52	(part)	O: Siridao Estate Pvt. Ltd.	180.00
--do--	--do--	64	(part)	O: Siridao Estate Pvt. Ltd.	800.00
				T: Y. A. Palekar.	
--do--	--do--	64	(part)	O: Siridao Estate Pvt. Ltd.	100.00
--do--	--do--	64	(part)	O: Dempo Properties & Investment Pvt. Ltd.	2565.00
--do--	--do--	64	(part)	O: Dempo Properties Ltd.	3948.00
				T: J. A. Palekar (House).	52.00
--do--	--do--	64		O: Dempo Properties Ltd.	200.00
--do--	--do--	63	1 (part)	O: Dempo Properties & Investment Pvt. Ltd.	880.00
				T: Caetano Andrade.	
--do--	--do--	63	2 (part)	O: Dempo Properties Ltd.	875.00
--do--	--do--	63	3 (part)	O: Siridao Estate Pvt. Ltd.	960.00
				T: Yeshwant Mangueshkar.	
--do--	--do--	63	5	O: Siridao Estate Pvt. Ltd.	1025.00
				T: Yago Piedade Gomes.	
--do--	--do--	63	16	O: Siridao Estate Pvt. Ltd.	1075.00
				T: Narayan Mangueshkar	
--do--	--do--	63	14 (part)	O: Siridao Estate Pvt. Ltd.	305.00
				T: Yago Piedade Gomes.	
--do--	--do--	62	2 (part)	O: Dempo Properties Ltd.	1575.00
				T: J. A. Palekar.	
--do--	--do--	62	1 (part)	O: Dempo Properties Ltd.	860.00
				T: J. A. Palekar.	
--do--	--do--	62	4 (part)	O: Dempo Properties Ltd.	315.00
				T: Longu Topi Gango.	
--do--	--do--	62	5 (part)	O: Dempo Properties Ltd.	215.00
				T: Longu Topi Gango.	
--do--	--do--	62	6 (part)	O: Dempo Properties Ltd.	165.00
				T: Longu Topi Gango.	
--do--	--do--	51	2 (part)	O: Siridao Estate Pvt. Ltd.	225.00
				T: Cashew plantation is rented basis to Shri Vithal Janu Gaums.	
--do--	--do--	51	3 (part)	O: Siridao Estate Pvt. Ltd.	1590.00
				T: Cashew plantation is rented basis to Shri Yeshwant Shantaram Mangueshkar.	
--do--	--do--	42	2 (part)	O: Siridao Estate Pvt. Ltd.	3375.00
				T: Cashew plantation is rented basis to Shri Yeshwant Shantaram Mangueshkar.	
--do--	Velha Goa	196	(part)	O: Martin Vaz.	3825.00
--do--	--do--	197 (i)	1 (part)	O: Maria de Sequeira Nazareth.	485.00
				2) Alba de Sequira Nazareth.	
--do--	--do--	197	2 (part)	T: Deushandra Kankonkar.	
				O: Maria de Sequeira Nazareth.	5525.00
--do--	--do--	198	1 (part)	2) Alba de Sequira Nazareth.	
				O: Maria de Sequeira Nazareth.	945.00
--do--	--do--	200	5 (part)	2) Alba de Sequira Nazareth.	
--do--	--do--	201	4 (part)	O: Albino Minino Massion Gomes.	515.00
				O: Maria de Sequira Nazareth.	130.00
				2) Alba de Sequira Nazareth.	
--do--	--do--	201	9 (part)	T: Minino Pereira.	
				O: Maria de Sequeira.	50.00
--do--	--do--	183	1 (part)	2) Alba de Sequira Nazareth.	
				O: Maria de Sequira Nazareth.	230.00
				2) Alba de Sequira Nazareth.	
--do--	--do--	184	3 (part)	T: Andrade Camilo.	
--do--	--do--	184	2 (part)	O: Maria Lindalala Thanaza de Menezes.	30.00
				O: Albino Menino Gomes.	700.00
Total					37320.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secy (Revenue).

Panaji, 15th March, 1985.

Notification

No. 22/19-RD

Whereas by Government Notification No. 22/194/83-RD dated 11-1-1984 published on pages 570 of Series II, No. 44 of the Official Gazette dated 84 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the Notification (hereinafter referred to as the "said land") is likely to be needed for the public purpose viz. for extension of the Existing Industrial Estate at Daman (Con).

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under section (2) of Section 5A of the said Act, that the said land specified in the schedule

hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Dy. Collector of Daman, Daman to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Dy. Collector of Daman, Daman till the award is made under Section 11.

SCHEDULE
(Description of the said land)

Taluka	Village	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3		4
Daman	Ringanwada	22/1.(part)	Prema Bhagwar	400.00
		22/2	Gulab Vallabh. Raghla Ramji.	300.00
		24 part	Gulabh Vallabh Desai. Chamar Soma. Bhikha Soma.	1,500.00
		23/1	Revla Mangal. Sukar Mangal.	900.00
		28/2	Gulab Vallabh Di. Radka Chinka. Chiman Radka.	3,400.00 2,400.00
		29	Gulab Vallabh Di.	19,800.00
		30	Prema Bhagwan.	800.00
		31/1	Dahyabhai Bhagvabhai.	5,700.00
		31/2	Haribhai Dullabhaji.	4,100.00
		31/3	Parvatiben Raghui.	4,700.00
		32	Babu Narshih } Bulla Vishnu }	10,500.00
		33	Premabhai Bhagwi.	1,200.00
		34/1	Gulabhbhai Vallabh Desai.	34,200.00 5,900.00 1,22,900.00
		34/2	Parvatiben Raghui	8,400.00
		34/3	Vishnubhai Dullabh	2,700.00
		35	Gulabhbhai Vallabh Desai. Chhanabhai Radkai Halpathi.	1,300.00 4,900.00
Total				2,36,000.00

By order and in the name of the Lieutenant Governor of Goa, Daman and D

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 23rd February, 1985.

Notification

No. 22/143/81-RD

Whereas by Government Notification No. 22/143/81-RD dated 11-1-84 published on page 533-534 of Series II, No. 42 of the Official Gazette dated 19-1-1984 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. for the expansion of the existing Industrial Estate (Company) at Kachigam.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the

said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Sec 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also pleased to appoint under clause (c) of Section 3 of the said Act, the Dy. Collector of Daman, Daman to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under section 7 of the said Act to take order for the acquisition of said land.

3. A plan of the said land can be inspected at the office of the said Dy. Collector Daman, Daman till the award is made under Section 1

SCHEDULE
(Description of the said land)

Taluka	Village	Plot No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5
Daman	Kachigam	359	Shri Navinchandra Moha	204400.00
		360	Shri Gunvantrai Raghuna	26400.00
		361	Shri Navroji Rustamji L	20800.00
		362	a) Shri Adi Nasservanji.	18400.00
		363	b) Shri Erach N. Damania.	32400.00
			Shri Navroji Kustamji L	
		364	Shri Nagarbhai Vallabh	47200.00
		365	Shri Kanjibhai Paragji.	33100.00
		366	Shri Nagarbhai Vallabh	37200.00
			Shri Babubhai Gandabhai.	
		368/1	Shri Ashwinkumar Raghui.	82500.00
		368/2	Shri Bipinchandra Raghurji.	64600.00
		369	Shri Jayantilal Raghunath	29200.00
Total				5,96,200.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 2nd March, 1985.

Notification
No. 22/184/83-RD

Whereas by Government Notification No. 22/184/83-RD dated 11-1-84 published on page 533 of Series II, No. 42 of the Official Gazette dated 19-1-1984 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) that the land specified in the schedule appended to the said Notification (hereinafter referred to as the said land) was likely to be needed for public purpose viz. for construction of Devka Minor, Ex-Vapi Distributory, village Kadaiya.

And whereas the Government is of the opinion that its acquisition is urgently necessary, the provisions of sub-section (1) and sub-section (4) of Section 17 of the said Act are made applicable and that the Collector appointed under paragraph 2 below shall at any time on expiry of 15 days from the

publication of notice relating to the said land under sub-section (1) of Section 9 of the said Act take possession of the said land.

Now, Therefore, the Government is pleased to declare under the provision of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Collector of Daman to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order of the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the Collector of Daman, Daman till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka	Village	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5
Daman	Kadaiya	239/1	Vithalbhai Premabhai.	223.00
		239/2	Mohanlal Fakir Damania.	771.00
		237	Musa Aliji.	1309.00
		220/4	Naran Dhaliya.	04.00
		220/5	Kalyanbhai Keshbhai Dahyabhai.	385.00
			Kikabhai Ramubhai Bhagvanji.	
		220/6	Makan Govan.	510.00
Total				3202.00

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 30th March, 1985.

Industries and Labour Department

Order

No. 28/4/85-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 27th February, 1985.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/19/82

1. Shri Puto R. Shirodkar — Workman/Party I

V/s.

1. M/s. Navhind Papers & Publications Pvt. Ltd. — Employer/Party II

Workman/Party I represented by Adv. A. Nigalye.

Employer/Party II represented by Shri P. K. Lele, Labour Advisor.

Panaji: Dated: 15-2-1985

AWARD

The Government of Goa, Daman & Diu, by its Order No. 28/4/82-ILD dated 15th April, 1982, has referred for the adjudication by this Tribunal of an industrial dispute between the above parties. The schedule annexed to the order of reference reads as follows:

"Whether the action taken by the employer of M/s. Navhind Papers and Publications Pvt. Ltd., Panaji, to discharge Shri Puto R. Shirodkar, Peon from the services with effect from 8-7-1980 is legal and justified;

If not, to what relief Shri Shirodkar is entitled to?"

2. The case of the workman is that he was appointed as peon in the Navhind Papers and Publications Private Limited from 1-11-68 and, prior to that, he was working as personal attendant to the Chairman and Managing Director of the Company. He has always worked for the employer company to the best of his capabilities; never-the-less, on 2-5-1980, he received a letter from the Manager of the company suspending him, pending inquiry, on certain allegations of major misconducts made against him. On 16-5-1980, he received a letter signed by the said Manager levelling certain baseless charges against him. He was asked to show cause as to why disciplinary action should not be taken against him. The workman replied to the letter. On 4-6-1980, a charge-sheet was served upon him and he was informed of the inquiry to be held by Shri G. M. Nagardenkar. The workman attended the inquiry, which was a farce and against the principles of natural justice. After the conclusion of the inquiry, he was informed that he was discharged from services w.e.f. 8-7-1980. It is submitted that his services were terminated without any reason and for no fault committed by him.

3. The employer, in its written statement, has submitted that the workman was discharged after fair and proper inquiry was held against him with due compliance of the principles of natural justice. The inquiry officer held the workman guilty of the misconducts charged with, which findings, according to the employer, are supported by the evidence recorded in the said inquiry.

4. A preliminary issue on the fairness of the domestic inquiry held by the employer was framed and the said issue, after evidence of both the parties was recorded, was decided against the employer, by my order dated 15-7-1982.

5. Since, by virtue of the above order, the domestic inquiry conducted by the employer was held as not fair and proper, the employer applied to the Tribunal for permission to lead fresh evidence to prove the validity of the termination order, which application was granted.

6. As per the charge-sheet, the charges against the workman were:

- i) Drunkenness and disorderly behaviour while on duty at the place of work;
- ii) Late attendance without sufficient cause; and
- iii) Commission of an act subversive of discipline and good behaviour.

On the above charges, the employer led the evidence of one Vijaykumar Kalangutkar, Gazir Khan Kittu and of Mr. Vilas Sardesai Manager of the employer and the workman, only his own evidence. As per the charge-sheet, the workman, on 30-4-1980, reported for duty at 2.35 p. m. fully under the influence of liquor and intoxicated state. Not being in a condition to perform his duty and in order to avoid disturbance in the smooth working of the office, the Manager was constrained to remove him from the office.

7. Shri Vijaykumar Kalangutkar, who is working for the employer for the last 13 years, and as Asstt. Manager since 1979, has stated that the workman is a Peon in the office and reported at about 2.35 p.m. when the office, after lunch, commences at 2.30 p.m. He was walking hazily and losing his balance; he sat at his normal place where the peons sit; sometime after, the bell from the Manager's cabin rang; the workman got up and walking hazily managed to enter the cabin; he was there for 3-4 minutes; thereafter he came out murmuring something and went away. Thereafter, the witness was called in the Manager's cabin and informed that the workman was under the influence of drink and intoxicated and could not even stand on his feet. Therefore, the Manager had asked him to go.

8. The next witness is Gazir Khan Kittu, who has stated that the workman has not misbehaved with him at any time, but he saw him coming to office drunk many times. On the day of the incident, the witness saw the workman going to the office at about 2.35 p.m. or so; he saw him in a gay mood and walking in a hazy manner; after half an hour or so, he saw him going out; at that time, he was murmuring and shouting "Vodlem Jeth Dakoitam". Subsequently, the witness came to know that the Manager had told him to go home because he had come drunk and was not in a position to work.

9. The last witness is the Manager Vilas Sardesai, before whom the alleged incident took place. He has stated that, on the day of the incident, he came to the office after 2.30 p.m. and rang the bell for calling the peon; the workman attended the call but was fully drunk and in an intoxicated condition; the workman was either laughing or shouting; therefore, the witness asked him to go home.

In his cross, the witness has stated that the charge sheet was issued to the workman by the witness and also a letter suspending him from services; he has further stated that the workman came late because he did not enter his cabin even after he rang the bell 3-4 times; the workman was smelling of liquor even from far away. Regarding the expression used in Exh W-1 "It is reported", he has stated that the draft is prepared by the Personnel and the practice is to be in this manner. In Exh W-1, which is signed by the witness, it is stated: "We were constrained to remove you from the office". To the question who removed him from the office, the witness has replied that their peon must have removed and clarified that the workman was not removed physically. The witness does not remember who else was present in his cabin at that time; he does not remember whether he sent the workman for medical examination; he did not call anybody to see the incident because everyone must have seen it. The workman was shouting in the cabin and might have gone out shouting, but he does not know because he closed the door; everyone in the office must have heard the noise when the workman was shouting in the cabin.

10. The workman, in his statement, has denied the charges levelled against him, and stated that his relations with Vijaykumar Kalangutkar are not good because he did not do his personal work and, regarding Vilas Sardesai, he thinks that he has a grudge against him because the workman visits the house of the Directors and Shri Vilas Sardesai thought that he was complaining to the Directors against him.

11. Having regard to the fact that the incident in question took place when the Manager Shri Vilas Sardesai, who is the person who has issued the charge sheet, the order of suspension and even the discharge order and against whom the workman has made the allegation of grudge, which allegation otherwise has not been proved, one has to be more cautious while assessing the evidence led by the Management, which evidence consists of statements made by witnesses who are all working under Shri Vilas Sardesai.

12. Vilas Sardesai has stated that the workman was fully drunk and was either laughing or shouting; that every body must have heard the noise of his shouts and he had to be removed from the office but he does not remember who removed him; does not remember also whether the workman was sent for medical examination; the witness Vijaykumar Kalangutkar saw the workman coming out of the cabin and murmuring something; this witness does not refer to any shouts. The other witness Gazir Khan Kittu also refers to the workman as murmuring while going out. Although this witness has used both the words "murmuring and shouting", from the way he has deposed, it appears that, infact, the workman was mumbling and not shouting. Further, Vilas Sardesai has deposed that the workman did not enter his cabin even after he rang the bell for 3-4 time, whilst, from the statement of Kalangutkar, it appears that after the bell rang the workman got up and walking hazily managed to reach the cabin. It is to be noted that this witness has stated that Vilas called him and told him that the workman was drunk, could not stand on his feet and so he had asked him to go away. Had Kalangutkar witnessed such drunken condition of the workman, it is but natural that when Shri Vilas Sardesai told him about this fact he would have immediately informed Shri Vilas that he too had seen the workman in such condition while entering the cabin.

13. In the absence of medical examination to prove the intoxicated condition of the workman, the evidence led by the Management is not sufficient to convince me that the workman was drunk and behaving in a disorderly manner and was in such a condition that he could not perform his duties. It is true that the past record of the workman is not good, but the past record is to be looked into only when the offence is found proved and not before that.

14. In the premises above, I answer to this reference by passing the following order:

ORDER

The discharge of the workman, by the employer, w.e.f. 8-7-1980 is not legal neither justified. Hence, I order his reinstatement, with full back wages. Costs of Rs. 200/- to be paid by the employer to the workman.

Dr. Renato de Noronha
Presiding Officer
Industrial Tribunal

Order

No. 28/4/85-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 14th February, 1985.

**IN THE LABOUR COURT GOA, DAMAN AND DIU,
PANAJI- GOA**

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application Nos: LCC/8/84, LCC/9/84, LCC/10/84, LCC/11/84, LCC/12/84, LCC/13/84, LCC/14/84, LCC/15/84, LCC/16/84, LCC/17/84, LCC/18/84, LCC/19/84, LCC/20/84 and LCC/21/84.

- Workmen 1) B. Muraludharan Pillai.
2) C. K. Lokidakshan.
3) Miss Filomena D'Mello.
4) Shri Dinar Keny.
5) Shri Caetano Fernandes.
6) Shri Francisco Silveira.
7) Shri George Rosemond.
8) Sheik Abdul Xecur.
9) Mrs. Irene M. Fernandes.
10) Shri Krishan Chodankar.
11) Shri Avinder Singh Sandhu.
12) Mrs. Ivy D'Silva.
13) Shri Andrew D'Souza.
14) Mrs. Emilia Rosemond.

Applicants
Respectively

V/s.

1. M/s. Agencia Commercial Maritima.

— Opponents

Applicants represented by Shri Subhas Naik George, Secretary of the Union.

Panaji, Dated: 5-2-1985

AWARD

This common Award shall dispose off the above applications filed by the above applicants against the above Opponents under Section 33C(2) of the I.D.A., 1947, in short the Act, claiming from the latter the total amount of Rs. 5,500-00, Rs. 12,054-46, Rs. 5,300-00, Rs. 5,900-00, Rs. 5,500-00, Rs. 4,800-00, Rs. 6650-00, Rs. 7,963-78, Rs. 5,300-00, Rs. 6,600-00, Rs. 8,850-00, Rs. 5,300-00, Rs. 6,400/- and Rs. 5,500-00, respectively, of their wages and allowances, as shown in the annexure to the applications.

2. It is applicant's case that all of them are working for the Opponent and have not been paid of their wages and other allowances for the period shown in their annexures to the applications.

3. The Opponent filed its written statement raising preliminary objections regarding the jurisdiction of this court to entertain the above applications and, on the merits, denying the entitlement of the applicants to the amounts claimed.

4. After issues were framed and before any evidence was led by the parties, an amicable settlement was arrived at and the parties approached the court with an application signed by all of them, their representatives and by the Opponent, which application reads as follows:

"Both the parties above named have arrived at an amicable settlement on 26th October 1984 on the above disputes pending before this Hon'ble Court.

As per the settlement the Opponent agrees to clear and pay the dues of 14 workperson as mentioned in annexure 'A' in monthly instalments on the 15th of every month beginning from November 1984.

The parties herewith submit signed copies of the settlement and pray that this Hon'ble Court may pass orders as per the terms of this settlement. The parties also pray that the cost of these applications may be awarded to the applicants. The parties further pray that a penal interest of 18 p. c. per annum should be awarded in favour of the applicants in case the opponents default in paying the instalments on the 15th of every month as agreed in the settlement.

In witness thereof, the parties put their signatures on this 21st day of December, 1984 at Panjim, Goa."

5. The terms of settlement arrived at between the parties are as follows:

- "1. It has been agreed between the parties that as on date of this settlement the employer M/s. Agencia Commercial Maritima has to pay the dues of 14 workperson by way of arrears of salaries for the period March 1983 to March 1984, Bonus for the years 1981-82 and 1982-83, V.D.A. for the year 1975, increments & V.D.A. for the year 1981-82 and allowances upto July 1984 as per Annexure 'A' attached hereto. The total dues mentioned in Annexure 'A' have been

arrived at after deducting the advances received by the workpersons from the employer till the date of this settlement.

2. It is agreed between the parties that the employer M/s. Agencia Commercial Maritima, shall pay the total dues mentioned in Annexure 'A' in monthly instalments on the 15th of every month beginning from November 1984. It is also agreed that the employer shall pay the dues in instalments to each of the 14 workpersons as shown in Annexure 'B' attached hereto. It is further agreed that besides the instalments mentioned in Annexure 'B' the employer shall pay the salaries of each workperson for the current months on or before the 7th day of the following month.
3. The parties agree to jointly submit signed copies of the settlement to the Commissioner Labour & Employment and other concerned authorities with a request to register the same as a settlement under the Industrial Disputes Act, 1947.
4. It is agreed that the workpersons represented by the Union should file an application before the Labour Court, Goa, Daman & Diu, Panjim, Goa, for passing orders on their application Nos. LCC/23/83 to LCC/28/83, LCC/31/83, LCC/33/83 to LCC/36/83 and LCC/38/83 and LCC/8/84 to LCC/21/84 pending before the said Court and the Management should agree to the same."

The annexure 'A' and 'B' referred to in the above terms showing the details of the dues of each of the applicants and the mode of payments of the instalments also form part of the settlement terms filed by the parties.

6. The above terms are fair and just to all the parties, and, therefore, I accept them and pass the following order:

ORDER

Consent Award in terms of the above settlement is hereby made and all the applications are disposed off. Costs of Rs. 100/- to be paid by the Opponent to each of the applicants. In case the instalments referred to in the settlement are not paid on the dates fixed in the annexure 'B', interest at the rate of 18 p. c. agreed upon between the parties will have to be paid to the applicants on each instalment fallen due and not paid.

Dr. Renato de Noronha
Presiding Officer
Labour Court

Notification

No. 21/6/83-ILD (VIII)

In exercise of the powers conferred by section 49 of the Goa, Daman and Diu Shops and Establishments Act, 1973 (13 of 1974), the Administrator of Goa, Daman and Diu hereby appoints the Deputy Labour Commissioner in the office of the Commissioner, Labour and Employment, Panaji-Goa, as an Inspector for the purposes of the said Act for the whole of the Union territory of Goa, Daman and Diu.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 20th March, 1985.

Notification

No. 21/6/83-ILD (IX)

In exercise of the powers conferred by sub-section (3) of section 14 of the Payment of Wages Act, 1936 (Central Act 4 of 1936), the Lieutenant Governor of Goa, Daman and Diu hereby appoints the Deputy Labour Commissioner in the office of Commissioner, Labour and Employment, Panaji-Goa as an Inspector for the purposes of the said Act in respect of all the factories and industrial establishment in the Union territory of Goa, Daman and Diu to which the said Act applies.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 20th March, 1985.

Notification

No. 21/6/83-ILD (VII)

In exercise of the powers conferred by sub-section (1) of section 4 of the Motor Transport Workers Act, 1961 (Central Act 27 of 1961), the Lieutenant Governor of Goa, Daman and Diu hereby appoints the Deputy Labour Commissioner in the Office of the Commissioner, Labour and Employment, Panaji-Goa as an Inspector for the purposes of the said Act for the whole of the Union territory of Goa, Daman and Diu.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 20th March, 1985.

Notification

No. 21/10/84-ILD

In exercise of the powers conferred by clause (c) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (Central Act 20 of 1946), the Lieutenant Governor of Goa, Daman and Diu hereby appoints the Assistant Labour Commissioners under the Commissioner, Labour and Employment, Government of Goa, Daman and Diu to perform all or any of the functions of the Certifying Officer under the said Act, within the Union territory of Goa, Daman and Diu.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 23rd March, 1985.

Notification

No. 21/10/84-ILD

In exercise of the powers conferred by clause (c) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (Central Act 20 of 1946) the Lieutenant Governor of Goa, Daman and Diu hereby appoints the Deputy Labour Commissioner in the office of the Commissioner, Labour and Employment, Government of Goa, Daman and Diu to perform all or any of the functions of the Certifying Officer under the said Act, within the Union territory of Goa, Daman and Diu.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 23rd March, 1985.

Public Health Department

Order

No. 5/61/84-PHD

Read: Memorandum No. 5/61/84-PHD dated 16th March, 1985.

On the recommendation of the Union Public Service Commission, the Administrator of Goa, Daman and Diu is pleased to appoint Dr. Pushpabai Janardana Dukle to the post of Assistant Professor in Psychiatry, Institute of Psychiatry and Human Behaviour, Altinho, Panaji, in the pay scale of Rs. 1100-50-1500-EB-60-1800 plus special pay of Rs. 100/-

per month with effect from the date of her joining until further orders.

2. Her appointment is subject to the terms and conditions mentioned in the Memorandum referred to above.

3. Dr. Dukle has been declared medically fit by the duly constituted Medical Board at the time of her earlier appointment to the post of Assistant Medical Officer, in the Institute of Psychiatry and Human Behaviour, Panaji.

4. The appointment is made against the post of Assistant Professor of Psychiatry created vide order No. 90/10/81-PHD dated 10-8-1981.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 23rd March, 1985.

Order

No. 5/100/83-PHD

The resignation tendered by Dr. Bhimathati Ranga Rao, Rural Medical Officer, Guleli under the Directorate of Health Services is accepted with effect from 21-12-1984 (A.N.).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 26th March, 1985.

Law Department

Establishment Branch

Order

No. 1-75-82-LD

The Administrator of Goa, Daman and Diu is pleased to appoint on deputation, Shri V. A. Gaonkar, Civil Judge, Senior Division as Director of Prosecution, with effect from 5-11-1982 the date on which he assumed charge of the said post. The period of deputation shall be for a period of three years. It shall be governed by the standard terms of deputation.

This issues in supersession of the Government Order No. 1-23-82/LD dated the 29th October, 1982.

By order and in the name of the Administrator of Goa, Daman and Diu.

U. D. Sharma, Law Secretary.

Panaji, 27th March, 1985.

Order

No. 3-21-82/LD (P.F.)

In exercise of the powers conferred by sub-section (6) of Section 24 of the Code of Criminal Procedure 1973 (Central Act 2 of 1974), the Administrator of Goa, Daman and Diu hereby appoints Shri Gurudas U. Bhobe, Advocate, as Special Public Prosecutor for the purpose of conducting the Criminal Appeal No. 1 of 1985 filed by the Labour Commissioner, Panaji before the High Court of Judicature at Bombay, Goa Bench, Panaji.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. G. Kambli, Under Secretary (Law).

Panaji, 26th March, 1985.